

### **REMARKS/ARGUMENTS**

The Office Action of March 14, 2006, has been carefully reviewed and these remarks are responsive thereto. Claims 19, 26 and 36 have been amended. No new matter has been added. Claim 40 has been cancelled. Claims 19-39 remain pending in the application. Reconsideration and allowance of the instant application are respectfully requested in view of the following arguments.

#### ***Claim Rejection Under 35 U.S.C. §101***

Claim 40 stands rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Applicant has cancelled claim 40. This rejection is thus rendered moot.

#### ***Claim Rejections Under 35 U.S.C. §102(e)***

Claims 19-23 and 26-39 stand rejected under 35 U.S.C. §102(e) as being anticipated by Parulski (U.S. Patent No. 6,539,177). This rejection is respectfully traversed for the following reasons.

Amended independent claims 19, 26 and 36 relate to, *inter alia*, a single composite image quality indicator that represents a plurality of image quality parameters. Further, the appearance of the indicator corresponds to a number of stable image quality parameters. For example, element 20 of FIG. 3 of Applicant's specification illustrates one example of such a single composite image quality indicator. The indicator 20 is characterized by 3 sections that are shaded in accordance with a number of image quality parameters that have been found to be stable. Specification, p. 5, line 23 – p. 6, line 30. In one example, an exposure control algorithm, a white balance algorithm and a dark calibration algorithm are performed. The number of algorithms that are found to be stable corresponds to the number of filled segments of indicator 20. Nowhere does Parulski teach or suggest such a feature. The Office Action contends, at p. 2, that Parulski discloses a single composite image quality indicator that is based on an analysis of a combination of exposure and editorial characteristics, e.g., brightness and color information. Even assuming, without admitting, the validity of such a contention, the appearance of the alleged single composite image quality indicator of Parulski still does not

correspond to the number of stable image quality parameters. In particular, the Office Action equates Parulski's revision suggestions and/or output quality warnings as a single composite image quality indicator. p. 4. These revision suggestions and output quality warnings include messages such as "TOO DARK" or "HIGHLIGHTS TOO BRIGHT." See FIGS. 32-38. These suggestions and warnings are generated based on an analysis of exposure information. Col. 17, ll. 17-33. Even so, Parulski lacks any teaching or suggestion that the appearance of such messages corresponds to the number of stable image quality parameters. In other words, the appearance (e.g., shading, color, brightness) of the message "HIGHLIGHTS TOO BRIGHT" does not correspond to *how many* image quality parameters are stable. Claims 19, 26 and 36 are thus allowable for at least this reason.

***Claim Rejections Under 35 U.S.C. §103(a)***

Claims 24 and 25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Parulski. This rejection is respectfully traversed for the following reasons.

Claims 24 and 25 are dependent on claim 19 and thus, incorporate the features of claim 19. As discussed previously, Parulski fails to teach or suggest a single composite image quality indicator, whose appearance corresponds to the number of stable image quality parameters. Examiner's Official Notice fails to cure this deficiency of Parulski. As such, claims 24 and 25 are allowable for at least these reasons.

Appln. No.: 10/020,870  
Amendment dated June 7, 2006  
Reply to Office Action of March 14, 2006

### CONCLUSION

All rejections having been addressed, applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. However, if for any reason the Examiner believes the application is not in condition for allowance or there are any questions, the examiner is requested to contact the undersigned at (202) 824-3156.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Dated this 7<sup>th</sup> day of June, 2006

By:   
Chunhsi Andy Mu, Registration No. 58,216

1001 G Street, N.W.  
Washington, D.C. 20001-4597  
Tel: (202) 824-3000  
Fax: (202) 824-3001